

Tips for Appearing in Court as a Witness

Before the hearing:

1. If your presence is required in court, you will receive a subpoena. The subpoena will tell you when and where to appear. Sometimes a subpoena will identify documents that you are required to bring to court.
2. The name and phone number of the attorney who sent you the subpoena should be on the subpoena. If the attorney does not contact you before court, you should contact them to confirm that the case is still on the docket and to go over what information you may be questioned on.
3. Ask the attorney who issued the subpoena whether you may be excused from the rest of the hearing after you testify.
4. Review your file or notes. You may make an outline or notes regarding important information about the case to refer to during your testimony.

At the hearing:

1. Dress neatly. Avoid clothes that are torn, are revealing, or have writing on them.
2. Bring your file about the case with you to court. However, keep in mind that if you refer to your notes during the hearing, the attorneys may ask to see them and the judge may order you to allow them to do so.
3. When your case is called, enter the courtroom. (In some courts you will actually wait in the courtroom before your case is called. Ask the attorney who sent you the subpoena or the bailiff where you should wait.)
4. You may be sworn in at the beginning of the hearing or when you are called to testify. You will raise your right hand and swear or affirm that you will testify truthfully.
5. At the beginning of a hearing, the attorneys may invoke "The Rule." If you hear the judge say that the rule has been asked for, that means that all of the witnesses must wait outside of the courtroom until they are called to testify. If you are asked to wait outside, you cannot talk to the other witnesses about the case or what is happening in the court room until after you have testified.
6. The witness stand is to one side of the judge. That is where you will sit when you testify. However, some courts may have all the witnesses stand in front of the bench to testify. Again, you can ask the attorney who subpoenaed you where to sit or stand.
7. The attorney who asked you to appear will ask you questions first. Then the other attorneys in the case will also have a chance to ask you questions.
8. Listen carefully to the questions.
9. Answer the questions asked truthfully. If you do not know the answer to the question, say, "I don't know" or "I don't remember." Do not try to guess.
10. Always answer questions with words: do not just nod or shake your head. Speak clearly and loudly enough that the court reporter and judge can hear what you are saying.
11. If you don't understand a question, ask the attorney to repeat it.
12. If you cannot answer a question because of confidentiality, tell the attorney, "I cannot answer that question as I am bound by confidentiality." The judge may

- order you to answer the question anyway. If the judge orders you to answer, answer.
13. If an attorney objects to a question or your answer, stop and wait for the judge to rule on the objection. If you do not understand whether you can proceed with answering the question, it is OK to ask.
 14. If you need a glass of water, you may ask the attorney for one.
 15. If an attorney seems angry or rude, stay calm. Don't argue.
 16. Answer only what is asked.
 17. If you need to refer to your file or notes in order to provide an answer to a question, tell the attorney that you need to do so. The judge will usually allow you to refer to your file and/or notes. The court would usually prefer to wait for you to look the information up than to have incorrect or incomplete information.